

**RESULTS OF INVESTIGATION:** The device was constructed in such a way that it measured electrical resistances, and it was included in the class of instruments known as ohmmeters.

**LIBELED:** 4-6-54; amended 8-20-54, Dist. Colo.

**CHARGE:** 501 (c)—the strength of the article, when shipped, differed from, and its quality fell below, that which it purported and was represented to possess.

502 (a)—the labeling accompanying the device, when shipped, contained false and misleading representations that the device was effective for diagnosing sickness in general; the level of cell life; one's health index; one's degree of reserve energy; whether or not one's health was precarious; internal toxicity; one's degree of oxygen consumption; lung ailments; circulatory disorders; debilitating conditions; cell exhaustion; body acidity; acidosis; the degree of chronicity of illness; cell malnutrition; the state of the acid-alkaline balance of the body; irritations; inflammations; pathologies; disease conditions; nervous tendencies; conditions requiring adjustment of the atlas, spine, or pelvis; subluxations; the conditions of the organs and glands; abnormal kidney functioning; pathologies involving local tissues; cell exhaustion due to cancerous invasion; disease conditions of the stomach and liver; carcinogenic ailments; sarcomagenic ailments; cancer; emotional undertones and resentments; psychoses; and location of nerve interference. The accompanying labeling contained the following false and misleading statements, representations, and suggestions (among others):

(1) That under the surface all ailments were the same—a stasis—and their names came only from the stasised tissue involved and the degree of the involvement, rather than etiological factors;

(2) That the *Neuromicrometer* could detect and measure body voltage, body amperage, the body's condenser capacity, variations in the electric potentials of the different parts of the body, and the emotional reactions associated with many ailments;

(3) That body voltage was high in health and low in sickness;

(4) That "All ailments at their onset are over-acid";

(5) That "All Chronic cases of long standing have an over-alkalinity";

(6) That "No cancer case has passed away, except from a heart attack or a hemorrhage, without first becoming highly alkaline"; and

(7) That "When the atlas and the pelvis are adjusted, the two factors more often found to be the offenders in most ailments will have been taken care of."

502 (f) (1)—the labeling of the article failed to bear adequate directions for use, and the article was not entitled to any exemption from that requirement.

**DISPOSITION:** Dr. George A. Wilson, D. C., claimant, Denver, Colo., filed an answer to the amended libel on 10-13-54; and, on 11-5-54, the answer was amended. On 4-11-56, the Government filed a motion for summary judgment. Thereafter, the Government and the claimant having consented to the entry of the decree without any adjudication as to any issue of fact or law, the court, on 4-24-56, entered an order condemning the devices and ordering that they be delivered to a representative of the Department of Health, Education, and Welfare.

**5016. Clinical thermometers.** (F. D. C. No. 38939. S. No. 19-556 M.)

**QUANTITY:** 720 *clinical thermometers* at Cleveland, Ohio.

**SHIPPED:** 9-16-55 and 11-30-55, from Brooklyn, N. Y., by Cardinal Thermometer Co.

**LABEL IN PART:** (Box) "Cardinal Fever Thermometer Kind—Oral."

**ACCOMPANYING LABELING:** Leaflets designated "Certificate of Accuracy."

**RESULTS OF INVESTIGATION:** Examination revealed that 8 out of 24 thermometers taken from this lot failed to comply with the requirement for accuracy specified in Commercial Standard CS1-52 issued by the National Bureau of Standards of the Department of Commerce when tested as described in Commercial Standard CS1-52.

**LIBELED:** 2-7-56, N. Dist. Ohio.

**CHARGE:** 501 (c)—the quality of the article, when shipped, fell below that which it purported and was represented to possess; and 502 (a)—the statement in the labeling accompanying the article when shipped, namely, "We, the undersigned manufacturers, hereby certify that this registering clinical thermometer has been tested and found to meet all the requirements and tests specified in Commercial Standard CS1-52, as developed by the trade under the procedure of the Commodity Standards Division, and issued by the United States Department of Commerce," was false and misleading.

**DISPOSITION:** 3-7-56. Default—destruction.

**5017. Clinical thermometers.** (F. D. C. No. 38921. S. No. 47-488 M.)

**QUANTITY:** 312 *clinical thermometers* at Newark, N. J.

**SHIPPED:** 12-10-55, from Brooklyn, N. Y., by Cardinal Thermometer Co.

**LABEL IN PART:** (Box) "Cardinal Fever Thermometer Kind—Oral."

**ACCOMPANYING LABELING:** Leaflets designated "Certificate of Accuracy."

**RESULTS OF INVESTIGATION:** Examination revealed that 3 out of 24 thermometers taken from this lot failed to comply with the requirement for accuracy specified in Commercial Standard CS1-52 issued by the National Bureau of Standards of the Department of Commerce when tested as described in Commercial Standard CS1-52.

**LIBELED:** 1-24-56, Dist. N. J.

**CHARGE:** 501 (c)—the quality of the article, when shipped, fell below that which it purported and was represented to possess; and 502 (a)—the statement in the labeling accompanying the article when shipped, namely, "We, the undersigned manufacturers, hereby certify that this registering clinical thermometer has been tested and found to meet all the requirements and tests specified in Commercial Standard CS1-52, as developed by the trade under the procedure of the Commodity Standards Division, and issued by the United States Department of Commerce," was false and misleading.

**DISPOSITION:** 3-5-56. Default—destruction.

**5018. Clinical thermometers.** (F. D. C. No. 38720. S. No. 29-942 M.)

**QUANTITY:** 176 *clinical thermometers* in individual cartons at Paterson, N. J.

**SHIPPED:** Between 12-4-53 and 9-9-55, from Brooklyn, N. Y., by Cornell Instrument Co.

**LABEL IN PART:** (Carton) "Cornell Fever Thermometer Baby Special."

**ACCOMPANYING LABELING:** Inserts designated "Certificate of Examination."

**RESULTS OF INVESTIGATION:** Examination showed that 6 of 24 thermometers taken from this lot failed to meet the labeled standard of accuracy.

**LIBELED:** 11-28-55, Dist. N. J.